

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

CLAUDIA ANN MERRILL,

Defendant.

2:20-CR-001-JCM-BNW

Final Order of Forfeiture

The United States District Court for the District of Nevada entered a Preliminary Order of Forfeiture pursuant to Fed. R. Crim. P. 32.2(b)(1) and (b)(2), 18 U.S.C. § 981(a)(1)(C) with 28 U.S.C. § 2461(c), 18 U.S.C. § 982(a)(7), and 21 U.S.C. § 853(p) based upon the plea of guilty by Claudia Ann Merrill to the criminal offense, forfeiting the property and imposing an in personam criminal forfeiture money judgment set forth in the Plea Agreement and the Forfeiture Allegation of the Criminal Information and shown by the United States to have the requisite nexus to the offense to which Claudia Ann Merrill pled guilty. Criminal Information, ECF No. 9; Plea Agreement, ECF No. 11; Preliminary Order of Forfeiture, ECF No. 13; Change of Plea, ECF No. 14.

This Court finds that the United States may amend this order at any time to add subsequently located property or substitute property to the forfeiture order pursuant to Fed. R. Crim. P. 32.2(b)(2)(C) and 32.2(e).

The in personam criminal forfeiture money judgment amount of \$1,775,271.61 complies with *Honeycutt v. United States*, 137 S. Ct. 1626 (2017).

This Court finds the United States published the notice of forfeiture in accordance with the law via the official government internet forfeiture site, www.forfeiture.gov,

1 consecutively from February 12, 2020, through March 12, 2020, notifying all potential third
2 parties of their right to petition the Court. Notice of Filing Proof of Publication Exhibits,
3 ECF No. 16-1, p. 5.

4 This Court finds the United States notified known third parties by personal service or
5 by regular mail and certified mail return receipt requested of their right to petition the Court.
6 Notice of Filing Service of Process – Personal Service Exhibits, ECF No. 17-1; Notice of
7 Filing Service of Process – Mailing Exhibits, ECF No. 21-1.

8 On March 5, 2020, the United States Marshals Service (USMS) personally served
9 Amethyst Health, Inc., c/o President, Tisha Steward with copies of the Preliminary Order
10 of Forfeiture and the Notice. Service was accepted by Chris Travica, Operations Manager.
11 Notice of Filing Service of Process – Personal Service Exhibits, ECF No. 17-1, p. 3, 9-11,
12 13-16.

13 On March 6, 2020, the USMS attempted to serve and on March 9, 2020, the USMS
14 personally served U.S. Dept. of Veterans Affairs, Attn: Greg Fitzgerald with copies of the
15 Preliminary Order of Forfeiture and the Notice. Service was accepted by Brandon Blount.
16 Notice of Filing Service of Process – Personal Service Exhibits, ECF No. 17-1, p. 4, 9-11,
17 13-16.

18 On March 5, 2020, and March 9, 2020, the USMS attempted to personally serve
19 Claude Merrill, Jr., with copies of the Preliminary Order of Forfeiture and the Notice.
20 Notice of Filing Service of Process – Personal Service Exhibits, ECF No. 17-1, p. 5, 9-11,
21 13-16.

22 On March 5, 2020, and March 9, 2020, the USMS attempted to personally serve
23 Mark Merrill c/o Claude Merrill, Jr., with copies of the Preliminary Order of Forfeiture and
24 the Notice. Notice of Filing Service of Process – Personal Service Exhibits, ECF No. 17-1,
25 p. 6, 9-11, 13-16.

26 On March 5, 2020, and March 9, 2020, the USMS attempted to personally serve
27 Mark Merrill with copies of the Preliminary Order of Forfeiture and the Notice. Notice of
28 Filing Service of Process – Personal Service Exhibits, ECF No. 17-1, p. 7, 9-11, 13-16.

1 On February 27, 2020, the United States Attorney's Office (USAO) served and
2 attempted to serve Amethyst Health Inc., c/o Secretary, Allyson David by regular and
3 certified return receipt mail with the Preliminary Order of Forfeiture and Notice. The
4 certified mail was returned as unclaimed, unable to forward. Notice of Filing Service of
5 Process – Mailing Service Exhibits, ECF No. 21-1, p. 3, 7-9, 11-14, 16-18.

6 On February 27, 2020, the USAO served and attempted to serve Amethyst Health
7 Inc., c/o Secretary, Allyson David by regular and certified return receipt mail with the
8 Preliminary Order of Forfeiture and Notice. The certified mail was returned as unclaimed,
9 unable to forward. Notice of Filing Service of Process – Mailing Service Exhibits, ECF No.
10 21-1, p. 3, 7-9, 11-14, 19-21.

11 On February 27, 2020, the USAO served Amethyst Health Inc., c/o President, Tisha
12 Steward by regular and certified return receipt mail with the Preliminary Order of Forfeiture
13 and Notice. Notice of Filing Service of Process – Mailing Service Exhibits, ECF No. 21-1,
14 p. 3, 7-9, 11-14, 22-23.

15 On February 27, 2020, the USAO served and attempted to serve Amethyst Health
16 Inc., c/o Treasurer, OLA Lawyer by regular and certified return receipt mail with the
17 Preliminary Order of Forfeiture and Notice. The certified mail was returned as unclaimed,
18 unable to forward. Notice of Filing Service of Process – Mailing Service Exhibits, ECF No.
19 21-1, p. 3, 7-9, 11-14, 24-26.

20 On February 27, 2020, the USAO served and attempted to serve Amethyst Health
21 Inc., c/o Treasurer, OLA Lawyer by regular and certified return receipt mail with the
22 Preliminary Order of Forfeiture and Notice. The certified mail was returned as unclaimed,
23 unable to forward. Notice of Filing Service of Process – Mailing Service Exhibits, ECF No.
24 21-1, p. 3, 7-9, 11-14, 27-29.

25 On February 27, 2020, the USAO served and attempted to serve Amethyst Health
26 Inc., c/o Director, Deborah Pyant by regular and certified return receipt mail with the
27 Preliminary Order of Forfeiture and Notice. The certified mail was returned as unclaimed,

28 / / /

1 unable to forward. Notice of Filing Service of Process – Mailing Service Exhibits, ECF No.
2 21-1, p. 3-4, 7-9, 11-14, 30-32.

3 On February 27, 2020, the USAO served and attempted to serve Amethyst Health
4 Inc., c/o Director, Deborah Pyant by regular and certified return receipt mail with the
5 Preliminary Order of Forfeiture and Notice. The certified mail was returned as not
6 deliverable as addressed. Notice of Filing Service of Process – Mailing Service Exhibits,
7 ECF No. 21-1, p. 4, 7-9, 11-14, 33-35.

8 On February 27, 2020, the USAO served and attempted to serve Amethyst Health
9 Inc., c/o Director, Antoinette Turner by regular and certified return receipt mail with the
10 Preliminary Order of Forfeiture and Notice. The certified mail was returned as unclaimed,
11 unable to forward. Notice of Filing Service of Process – Mailing Service Exhibits, ECF No.
12 21-1, p. 4, 7-9, 11-14, 36-38.

13 On February 27, 2020, the USAO served and attempted to serve Amethyst Health
14 Inc., c/o Registered Agent, OLA Lawyer by regular and certified return receipt mail with
15 the Preliminary Order of Forfeiture and Notice. The certified mail was returned as
16 unclaimed, unable to forward. Notice of Filing Service of Process – Mailing Service
17 Exhibits, ECF No. 21-1, p. 4, 7-9, 11-14, 39-42.

18 On February 27, 2020, the USAO served and attempted to serve Amethyst Health
19 Inc., c/o Director, Mark Merrill by regular and certified return receipt mail with the
20 Preliminary Order of Forfeiture and Notice. The certified mail was returned as unclaimed,
21 unable to forward. Notice of Filing Service of Process – Mailing Service Exhibits, ECF No.
22 21-1, p. 4, 7-9, 11-14, 43-46.

23 On February 27, 2020, the USAO served and attempted to serve Mark Merrill, c/o
24 Claude Merrill, Jr., by regular and certified return receipt mail with the Preliminary Order
25 of Forfeiture and Notice. The certified mail was returned as attempted not known. Notice of
26 Filing Service of Process – Mailing Service Exhibits, ECF No. 21-1, p. 4, 7-9, 11-14, 47-49.

27 On February 27, 2020, the USAO served and attempted to serve Mark Merrill by
28 regular and certified return receipt mail with the Preliminary Order of Forfeiture and

1 Notice. The certified mail was returned as attempted not known. Notice of Filing Service of
2 Process – Mailing Service Exhibits, ECF No. 21-1, p. 4, 7-9, 11-14, 50-52.

3 On February 27, 2020, the USAO served and attempted to serve Claude Merrill, Jr.,
4 by regular and certified return receipt mail with the Preliminary Order of Forfeiture and
5 Notice. The certified mail was returned as attempted not known. Notice of Filing Service of
6 Process – Mailing Service Exhibits, ECF No. 21-1, p. 4, 7-9, 11-14, 53-55.

7 On February 27, 2020, the USAO served the U.S. Dept. of Veterans Affairs, Attn:
8 Greg Fitzgerald by regular and certified return receipt mail with the Preliminary Order of
9 Forfeiture and Notice. Notice of Filing Service of Process – Mailing Service Exhibits, ECF
10 No. 21-1, p. 5, 7-9, 11-14, 56-57.

11 On March 16, 2020, the USAO served Claude Merrill, Jr., by regular and certified
12 return receipt mail with the Preliminary Order of Forfeiture and Notice. Notice of Filing
13 Service of Process – Mailing Service Exhibits, ECF No. 21-1, p. 5, 7-9, 11-14, 58-59.

14 On March 16, 2020, the USAO served Mark Merrill by regular and certified return
15 receipt mail with the Preliminary Order of Forfeiture and Notice. Notice of Filing Service of
16 Process – Mailing Service Exhibits, ECF No. 21-1, p. 5, 7-9, 11-14, 60-61.

17 On March 16, 2020, the USAO served Mark Merrill c/o Claude Merrill, Jr., by
18 regular and certified return receipt mail with the Preliminary Order of Forfeiture and
19 Notice. Notice of Filing Service of Process – Mailing Service Exhibits, ECF No. 21-1, p. 5,
20 7-9, 11-14, 62-63.

21 On February 27, 2020, the USAO served and attempted to serve Amethyst Health
22 Inc., c/o Director, Antoinette Turner by regular and certified return receipt mail with the
23 Preliminary Order of Forfeiture and Notice. The certified mail was returned as unclaimed,
24 unable to forward. Notice of Filing Service of Process – Mailing Service Exhibits, ECF No.
25 21-1, p. 5, 7-9, 11-14, 64-66.

26 On February 27, 2020, the USAO served and attempted to serve Amethyst Health
27 Inc., c/o Registered Agent, OLA Lawyer by regular and certified return receipt mail with
28 the Preliminary Order of Forfeiture and Notice. The certified mail was returned as

1 unclaimed, unable to forward. Notice of Filing Service of Process – Mailing Service
2 Exhibits, ECF No. 21-1, p. 5, 7-9, 11-14, 67-69.

3 On February 27, 2020, the USAO served and attempted to serve Amethyst Health
4 Inc., c/o Director, Mark Merrill by regular and certified return receipt mail with the
5 Preliminary Order of Forfeiture and Notice. The certified mail was returned as unclaimed,
6 unable to forward. Notice of Filing Service of Process – Mailing Service Exhibits, ECF No.
7 21-1, p. 5, 7-9, 11-14, 70-72.

8 This Court finds no petition was filed herein by or on behalf of any person or entity
9 and the time for filing such petitions and claims has expired.

10 This Court finds no petitions are pending with regard to the property named herein
11 and the time for presenting such petitions has expired.

12 THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that
13 all possessory rights, ownership rights, and all rights, titles, and interests in the property
14 hereinafter described are condemned, forfeited, and vested in the United States:

- 15 1. \$1,045;
- 16 2. \$1,209;
- 17 3. \$1,209;
- 18 4. \$1,638;
- 19 5. \$1,645.81;
- 20 6. \$1,743;
- 21 7. \$1,881;
- 22 8. \$1,007;
- 23 9. \$1,173;
- 24 10. \$1,198;
- 25 11. \$1,881;
- 26 12. \$13,151.05; and
- 27 13. \$2,230

28 (all of which constitutes property); and

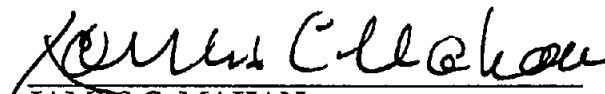
1 that the United States recover from Claudia Ann Merrill the in personam criminal
2 forfeiture money judgment of \$1,775,271.61, not to be held jointly and severally liable with
3 any codefendants, the collected money judgment amount between the codefendants is not to
4 exceed \$1,775,271.61, and that the property will be applied toward the payment of the
5 money judgment; and

6 the forfeiture of the money judgment and the property is imposed pursuant to Fed.
7 R. Crim. P. 32.2(b)(4)(A) and (b)(4)(B); Fed. R. Crim. P. 32.2(c)(2); 18 U.S.C. §
8 981(a)(1)(C) with 28 U.S.C. § 2461(c); 18 U.S.C. § 982(a)(7); 21 U.S.C. § 853(p); and 21
9 U.S.C. § 853(n)(7); that the money judgment shall be collected; and that the property and
10 the collected amount shall be disposed of according to law.

11 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that any and all
12 forfeited funds, including but not limited to, currency, currency equivalents, certificates of
13 deposit, as well as any income derived as a result of the government's management of any
14 property forfeited herein, and the proceeds from the sale of any forfeited property shall be
15 disposed of according to law.

16 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Clerk send
17 copies of this Order to all counsel of record and three certified copies to the United States
18 Attorney's Office, Attention Asset Forfeiture Unit.

19 DATED Dec 4, 2020.

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21 
22 JAMES C. MAHAN
23 UNITED STATES DISTRICT JUDGE
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CERTIFICATE OF SERVICE

A copy of the foregoing was served upon counsel of record via Electronic Filing on
June 18, 2020.

/s/ Heidi L. Skillin
HEIDI L. SKILLIN
FSA Contractor Paralegal